

**FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS
OF NEW SOUTH WALES INCORPORATION (AMENDMENT)
BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Federation of Parents and Citizens Associations of New South Wales Incorporation Act 1976 so as to enable parents and citizens associations to become incorporated under that Act.

The Bill also:

- (a) recognises the incorporation of parents and citizens associations under the Associations Incorporations Act 1984; and
- (b) transfers to the Minister certain registry functions relating to the incorporation of the Federation.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 gives effect to the 2 Schedules of amendments to the principal Act.

Clause 4 makes a consequential amendment to section 115 of the Education Reform Act 1990 so that parents and citizens associations established under that Act at government schools may be incorporated under the Principal Act or under the Associations Incorporation Act 1984.

**SCHEDULE 1—AMENDMENT RELATING TO INCORPORATION OF
PARENTS AND CITIZENS ASSOCIATIONS**

Schedule 1 inserts proposed Part 3 into the Principal Act, consisting of proposed sections 13–23.

Proposed section 13 provides that the Minister may (on application) incorporate an unincorporated parents and citizens association by notice published in the Gazette.

proposed section 14 provides that the assets and liabilities of the unincorporated association are transferred to the incorporated association on incorporation.

Proposed section 15 provides that the rules for the conduct of the business and affairs of a parents and citizens association incorporated under the Principal Act are the relevant standard or model rules published by the Minister under the Education Reform Act 1990.

Proposed section 16 deals with the name of a parents and citizens association incorporated under the Principal Act.

Proposed section 17 requires parents and citizens associations incorporated under the Principal Act to be members of the Federation of Parents and Citizens Associations of New South Wales.

Proposed section 18 ensures that members or officers of a parents and citizens association incorporated under the Principal Act are not liable for the debts and liabilities of the association.

Proposed section 19 requires a parents and citizens association incorporated under the Principal Act to obtain the same public liability insurance as is required by associations incorporated under the Associations Incorporation Act 1984. It is sufficient if the association is covered by an appropriate policy obtained by the Federation.

Proposed section 20 obliges a parents and citizens association incorporated under the Principal Act to make such financial reports about its affairs as are required by its rules or the Minister.

Proposed section 21 enables the Minister to cancel the incorporation of a parents and citizens association incorporated under the Principal Act if the school in respect of which it is constituted closes, or if the Minister has reasonable cause to believe that the association is not complying with the Principal Act or the association's rules, or if the association ceases to be a member of the Federation, or for other good cause.

Proposed section 22 specifies the way in which a document may be served on a parents and citizens association incorporated under the principal Act.

Proposed section 23 empowers the making of regulations providing for the transfer of incorporation of a parents and citizens association incorporated under the Associations Incorporation Act 1984.

SCHEDULE 2—OTHER AMENDMENTS

Schedule 2 (1) and (3) make consequential amendments to the long and short titles of the Principal Act.

Schedule 2 (2) and (4) insert headings into the Principal Act.

Schedule 2 (5) amends the definition of "association" in the Principal Act as a consequence of the enactment of the Education Reform Act 1990.

Schedule 2 (6)–(9) transfer certain registry functions under the Principal Act relating to the incorporation of the Federation from the Managing Director of the Department of Business and Consumer Affairs, the successor to the Corporate Affairs Commission, to the Minister for School Education and Youth Affairs.

Schedule 2 (10) inserts proposed Part 4, which permits the making of regulations.
